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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,320	09/28/2005	Georg Schneider	W12101 PCT US	8217

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EXAMINER

EVANISKO, LESLIE J

ART UNIT	PAPER NUMBER
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2854

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08/19/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/551,320	Applicant(s) SCHNEIDER ET AL.	
	Examiner Leslie J. Evanisko	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 81-157 is/are pending in the application.
- 4a) Of the above claim(s) 129-157 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 81-128 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Invention Group I, claims 81-128 in the reply filed on May 7, 2008 is acknowledged.
2. Claims 129-157 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on May 7, 2008.

Applicant's election of Group I, claims 81-128 is noted. However, upon further consideration by the Examiner, the following further restriction of Group I, claims 81-128 is hereby deemed appropriate:

3. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

- Group 1, claim(s) 81-86, 89-92, 95-96, and 126-128, drawn to a device for storing dressings having the structure as recited and particularly including a chute and a plurality of axial spaced dressings and/or chutes along the cylinder.
- Group 2, claim(s) 81, 82, 87-92, 95-96, and 126-128, drawn to a device for storing dressings having the structure as recited and particularly including dressings arranged in the circumferential direction of the cylinder.

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- Group 3, claim(s) 81, 82, 89-96, 117-119, and 125-128, drawn to a device for storing dressings having the structure as recited and particularly including having a second chute to store dressings.
- Group 4, claim(s) 81, 82, 89-92, 95-100, 126-128, drawn to a device for storing dressings having the structure as recited and particularly including a support structure for the first chute.
- Group 5, claim(s) 81, 82, 89-92, 95-96, 101-103, 126-128, drawn to a device for storing dressings having the structure as recited and particularly including a guide element positioned adjacent the cylinder and usable for insertion of the dressing into the chute.
- Group 6, claim(s) 81, 82, 89-92, 95-96, 101, 104-108, 126-128, drawn to a device for storing dressings having the structure as recited and particularly including a sensor on the guide element adapted to sense in a suspension leg has been released from the cylinder.
- Group 7, claim(s) 81, 82, 89-92, 95-96, 109-112, 126-128, drawn to a device for storing dressings having the structure as recited and particularly including a lifting device arranged in the chute.
- Group 8, claim(s) 81, 82, 89-92, 95-96, 113-116, 126-128, drawn to a device for storing dressings having the structure as recited and particularly including a securing element in the chute adapted to secure a dressing stored in the chute.
- Group 9, claim(s) 81, 89-92, 95-96, 121, 122, 124, 126-128, drawn to a device for storing dressings having the structure as recited and particularly including a stop mechanism.
- Group 10, claim(s) 81, 89-92, 95-96, 120, 123, 126-128, drawn to a device for storing dressings having the structure as recited and particularly including guide rails for holding the dressing along longitudinal sides.

4. The inventions listed as Groups 1-10 do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Inventions 1-10 are directed to related products. The related inventions are distinct if: (1) the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function, or effect; (2) the inventions do not overlap in scope, i.e., are mutually exclusive; and (3) the inventions as claimed are not obvious variants. See MPEP § 806.05(j). In the instant case, the inventions as claimed have a materially different design, mode of operation, function or effect as evidenced by their respective special technical features as recited in the dependent claim(s) of each invention. Furthermore, the inventions as claimed do not encompass overlapping subject matter and there is nothing of record to show them to be obvious variants.

5. Claim 81 link(s) inventions 1-10. The restriction requirement among the linked inventions is **subject to** the nonallowance of the linking claim(s), claim 81 (Claim 81 is not allowable in view of the teachings of at least US 5,074,212 or US 6,260,482 B1, which each show a device for storing at least two dressings including a plurality of dressing storage positions and means supporting the storage positions spaced vertically (i.e., stacked), the storage positions being inclined at an angle of no greater than 15 degrees with respect to a horizontal line). Upon the indication of allowability of the linking claim(s), the restriction requirement as to the linked inventions **shall** be withdrawn and any claim(s) depending from or otherwise requiring all the limitations of the allowable linking claim(s) will be rejoined and fully examined for patentability in accordance with 37 CFR 1.104 **Claims that require all the limitations of an allowable linking claim** will be entered as a matter of right if the amendment is

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presented prior to final rejection or allowance, whichever is earlier. Amendments submitted after final rejection are governed by 37 CFR 1.116; amendments submitted after allowance are governed by 37 CFR 1.312.

Applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, the allowable linking claim, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

6. Since applicant's representative historically does not elect over the phone, a telephone call was not made to Doug Hanscom to request an oral election to the above restriction requirement. See, in particular, MPEP 812.01.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Leslie J. Evanisko** whose telephone number is **(571) 272-2161**. The examiner can normally be reached on T-F 8:00 am-6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Leslie J. Evanisko/
Leslie J. Evanisko

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Primary Examiner
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lje
August 18, 2008